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PERMANENT SOVEREIGNTY OVER NATIONAL RESOURCES IN THE OCCUPIED PALESTINIAN AND OTHER ARAB TERRITORIES

Economic and social consequences of the establishment of settlements by Israel in the Palestinian territory, including Jerusalem, occupied since 1967, and the Syrian Golan

Report of the Secretary-General

1. The establishment of Israeli settlements in the Palestinian and other Arab territories occupied since 1967 was the subject of various resolutions of the Security Council and the General Assembly. In its resolution 446 (1979) of 22 March 1979, the Security Council determined that the Israeli policy and practices of establishing settlements in those territories had no legal validity and constituted a serious obstruction to achieving a comprehensive, just and lasting peace in the Middle East. That position was reaffirmed unanimously in Security Council resolution 465 (1980) of 1 March 1980, the preamble of which emphasizes the need to consider measures for the impartial protection of public and private land, property, and the area's water resources. In 1980, the International Labour Conference also expressed its concern regarding the establishment of settlements, and called for an end to this policy, as well as the dismantling of existing settlements.

2. At its forty-seventh session, in 1992, the General Assembly, taking note of the report of the Special Political Committee (A/47/612) on the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, adopted

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* A/48/50.

** E/1993/100.

resolution 47/70 of 14 December 1992, in which it strongly condemned the continued and persistent violation by Israel of the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, 1/ and reaffirmed that the Israeli policy of settling parts of its population and new immigrants in the occupied territories constituted a flagrant violation of the Convention and of the relevant resolutions of the United Nations.

3. The General Assembly, in its resolution 47/172 of 22 December 1992, adopted at the same session, took note of the report of the Secretary-General on Israeli settlements and also expressed its concern at the establishment by Israel, the occupying Power, of settlements in the occupied Palestinian territory and other Arab territories occupied since 1967, including the settlements of new immigrants therein, considered the settlements illegal and an obstacle to peace, and requested the Secretary-General to submit to the Assembly at its forty-eighth session, through the Economic and Social Council a report on the progress made in the implementation of its resolution. The present report is submitted in response to that resolution.

4. The building of settlements began immediately after the Six-Day War in 1967, with the first being established in the Syrian Golan. This policy has been developed more or less intensively since that time, and at an accelerated pace since the beginning of 1990. Massive Jewish immigration to Israel from the Commonwealth of Independent States, the countries of Eastern Europe and Ethiopia (approximately 407,000 during the period 1990-1992), 2/ has led the Government to intensify the construction of housing in the territories of the West Bank (including East Jerusalem), the Gaza Strip and the Syrian Golan.

5. Settlers are encouraged to settle in the occupied Arab territories through financial and tax incentives offered by the Government. Loans are more concessionary, infrastructure is provided free of charge, and there are substantial tax discounts. The New York Times, in 1990, reported that settlers who build their own houses "get the land virtually for free, while more than half the amount of their mortgages is interest-free". In addition, "the Jewish Agency reports that the Government provides 'contractor subsidies' that include (1) 'interim financing for construction: a grant of 50 per cent of the cost of development (something like $20,000 per housing unit),' and (2) 'a government guarantee of partial purchase of such apartments as are not sold'. The Government also provides buyer subsidies: the average mortgage for a family of three in development areas is $32,000 ($5,000 less than an immigrant family receives under the same terms, regardless of where it settles)". 3/

6. The United Nations Conference on Trade and Development (UNCTAD), in its report on assistance to the Palestinian people, 4/ stated that a new settlement programme, the so-called "Stars Plan", envisaged the establishment of a dozen new urban settlements, including many in the northern West Bank along its pre-1967 border with Israel. Another important plan under implementation was the continued expansion of Maaleh Adumim, which recently became the first Israeli "city" in the occupied territories; the expansion was intended to link up with settlements encircling East Jerusalem and with other settlements planned for construction to the west of the Palestinian city of Jericho. The report went on to say that Israeli officials had been quoted as saying that Israeli settlement activity until mid-1992 was aimed at boxing in Palestinian areas, establishing Palestinian "islands of autonomy" and preventing Palestinian

"territorial congruity". Reportedly, by 1993, an additional 50,000 Israelis may reside in these settlements that are under construction.

7. By the end of 1992, there were around 247,000-290,000 Jewish settlers distributed as follows: East Jerusalem, 120,000-140,000 settlers and 8 settlements; the remainder of the West Bank, 110,000-130,000 settlers and 156 settlements; Gaza Strip, 4,000-5,000 settlers and 18 settlements; and Golan Heights, 13,000-15,000 settlers and 33 settlements. 5/

8. Since mid-1992, two main political issues were supposed to have a direct impact on the pace of Israeli settlement in the occupied Arab territories, namely: (a) the formation of a Labour coalition Government in July 1992, and (b) the American loan guarantees for Israel, approved on 6 October 1992.

9. The present Labour coalition Government announced that it would change the Israeli national priorities by giving more attention to the issue of immigrants and their absorption; it also declared its intention to curtail its housing programme in the occupied Arab territories. A careful review of the newly declared Israeli policy reveals that:

(a) Construction of settlements is not "frozen" since the Israeli Government remains committed to continuing the construction of 11,000 housing units in the occupied Arab territories, while at the same time it announced its intention to stop implementing the construction of 6,681 housing units approved by the Shamir Government in the 1992 budget. According to the Minister of Construction and Housing, Benyamin Ben Eliazar, a decision was made to complete 9,850 units in settlements throughout the West Bank, 1,200 in the Gaza Strip and 1,200 more in the Golan Heights. He added that out of the approved 10,000 West Bank units "1,700 are in Greater Jerusalem; 2,150 are located throughout the area and are in the framing stage; 5,000 are nearly completed; and 1,000 are being constructed by individual settlers". 5/

(b) Settlement in Greater Jerusalem and along the borders with the Syrian Arab Republic and Jordan will not be affected by any future settlement policy, as declared by Prime Minister Rabin during a Knesset debate on a no-confidence motion.

10. The table below shows the existing Israeli settlements in the Greater Jerusalem region.

Settlement	Population as at September 1992	Housing units under construction
Bet Horn	550	20
Betar	3 300	450
Efrat	3 600	475
Etzion Bloc a/	6 200	253
Kafat Adumim	820	25
Kiryat Arba	5 000	245
Maaleh Adumim	16 000	1 500
Mikmash	470	35
Adam	395	70
Kochav-Ya'acov	365	100
Givat Ze'ev	6 900	62
Har Adar	1 278	na
East Jerusalem	140 000	13 000
Total	184 878	16 235

a/ The Etzion Bloc includes eight settlements.

Source: Report on Israel. Settlement in the Occupied Territories, Peace Now, Council of Jewish Communities in Judea, Samaria and Gaza; November 1992, Foundation for Middle East Peace, p. 4.

11. The terms and conditions of the loan guarantees requested by Israel and approved by the United States President, stipulate that:

> "Israel would receive up to $2 billion annually in United States guarantees for fiscal years 1993 to 1997, that Israel could not use the loans for activities outside its pre-1967 borders, and that the United States President would retain the right to suspend or terminate the loans if the terms and conditions were violated. The President could also reduce the loans by an amount Israel spent the previous year on settlement construction and other activities deemed inconsistent with United States-Israeli agreements concerning implementation of the program". 6/

12. It is nearly impossible to determine the source of funding of settlements, since the Israeli Government and the Jewish Agency can free funds for use in the occupied territories by using money obtained under the United States loan guarantees for projects inside Israel. 7/

13. Land, as the mainstay of the economy of the occupied Arab territories, has been the subject of continued expropriation and confiscation, inter alia for the purpose of establishing new settlements and expanding old ones. A total of

19,145 dunums (1 dunum = 1,000 square metres) were confiscated during 1992, of which 14,013 dunums were confiscated during the first eight months under the Shamir Government (a monthly average of 1,752 dunums) and 5,132 dunums during the first four months of the Rabin Government (a monthly average of 1,283 dunums). 8/ During the first four months of 1993, about 3,381 dunums were confiscated for the purpose of building new settlements or expanding old ones detailed below. 8/

Month	Dunums
January 1993	635
February 1993	1 408
March 1993	418
April 1993	115
May 1993	805
Total	3 381

14. In addition, the new Government of Israel has decided to complete a three-and-a-half-year project worth US$ 42 million to build a 9-kilometre road from the Jerusalem suburb of Ono to the Gilo Bloc settlement. This decision reflects the intention of the Israeli Government to support the Israeli settlement policy in the Greater Jerusalem region. The road will skirt the Arab towns of Bet Jala, Bethlehem and the Deheisha refugee camp before reaching Jerusalem. 9/

15. Along with land confiscation, water continues to be one of the most sensitive issues affecting the economic and social development of the people in the occupied Arab territories. A series of military orders has been issued by the Israeli military Governors in the occupied West Bank, the Gaza Strip and the Syrian Golan. These orders have established rules and regulations of water extraction, consumption, sale and distribution, control of water use, water-sharing and rationing, construction of water installations, drilling of wells, granting of permits and all matters regarding water resources, whether groundwater or surface water, including springs, ponds, streams and rivers, as well as the setting of prices and allowable quantities for use by Arab inhabitants and farmers in the occupied territories. These orders have made it easier for Israeli authorities and settlers to seize and utilize water in the occupied territories. 10/

16. As a result of the foregoing, Israeli authorities have continued to gain control over water resources in the West Bank, the Gaza Strip and the Syrian Golan. Israeli settlements are often established on sites with good quality and quantity of groundwater as well as fertile land. Many existing Arab wells have been blocked or sealed by the occupation authorities to continue protection of the wells drilled for Israeli settlements (25 wells in Zawabidah and 42 in Rafah areas). 11/ Other Arab wells and springs have dried up (Al-Auja, Ramallah,

Al-Birah, Baradala, Telel Bieda, Karadale and Sakut) owing to overexploitation of the groundwater reservoirs in upstream areas by the new wells drilled for the Israeli settlements. 12/

17. In fact, out of the total annual supply of around 700 million cubic metres in the West Bank and 60 million m^3 in the Gaza Strip, between 515 million and 530 million m^3 are transferred for use by Israel and its settlements in the occupied territories. The combination of this water distribution policy and over-pumping in some areas has severely strained the availability of Palestinian water resources and their ability to meet growing needs. 13/ The deep wells drilled by the Israeli authorities in the occupied territories has affected the level and quantity of water in Arab wells, resulting in a reduction of their productive capacity and the drying up of some of those wells and consequently of agricultural land that depended on those wells for irrigation water. In addition, overexploitation of groundwater in the Gaza Strip and the great increase in water use by settlers in Israeli settlements have resulted in increased salinity because of sea-water intrusion.

18. As in the West Bank and the Gaza Strip, the continued arbitrary practices of the Israeli occupation authorities aimed at confiscating land and gaining control of water resources in the occupied Syrian Arab Golan have reduced the area under cultivation, curtailed local development potential and lowered the local level of income from agriculture.

19. Agriculture, whose contribution to GDP declined from 36 per cent in 1972 to 15 per cent in 1990, is heavily affected by Israeli policies, such as curfews, military orders, uprooting of trees, land confiscation, establishment of new settlements, etc. Under those circumstances, agriculture has continued to operate on the basis of decreasing cultivated area and limited water supply, coupled with low productivity, cyclical fluctuations, insufficient diversification and often unequal competition with Israeli exports to the occupied territory, which receive generous subsidies from the Israeli Government (up to 50 per cent of cost). 13/

20. Along with the activities of land and water confiscation, the Israeli authorities have engaged in the unprecedented practice of uprooting olive and fruit trees, thereby depriving farmers of their main source of income and forcing them to leave their land. The justification for this practice is "security requirements". During the first four months of 1993, approximately 3,180 trees were uprooted in the occupied Arab territories. In the Syrian Golan, the occupation authorities follow the same policy by uprooting tree seedlings planted by Arab farmers. The main reason cited here is the failure of landowners to obtain permits to plant the seedlings from the so-called "Israel Land Administration". 14/

21. Curfews, which are very often used by the Israeli authorities as a method of collective punishment against the Palestinians, have been proven to bring hardship to all spheres of daily life in the occupied Arab territories, halting all economic activities. Sometimes curfews are the first step in enabling the settlers to establish new settlements or expand the existing ones in the occupied Arab territories. After curfews are lifted, these settlements become "de facto" and gain the protection of the Israeli military authorities.

22. The long-term curfews imposed on various areas of the occupied Arab territories in order to prevent clashes between Palestinians and Israeli settlers have also affected the industrial sector.

23. Fishing has also been affected by the Israeli settlements and by the curfews imposed on the Gaza Strip. The establishment of seaside settlements in the Gaza Strip has reduced the area used for fishing since fishing opposite or near the settlements is not allowed.

Notes

1/ United Nations, Treaty Series, vol. 75, No. 973.

2/ C. Mark, 1993, "Soviet Jewish Emigration", CRS Issue Brief, Congressional Research Service, the Library of Congress.

3/ The New York Times, 23 September 1990, as quoted in: J. Hiltermann, "Settling for war: Soviet immigration and Israeli settlement policy in East Jerusalem", Journal of Palestine Studies, vol. XX, No. 2, 1991, p. 84.

4/ United Nations Conference on Trade and Development, "Assistance to the Palestinian people" (TD/B/39(1)/4).

5/ Foundation for Middle East Peace, Israeli Settlements in the Occupied Territories, Washington, D.C., September 1992.

6/ C. Mark and L. Nowels, 1993, "Israel's Request for United States Loan Guarantees", CRS Issue Brief, Congressional Research Service, the Library of Congress.

7/ Hiltermann, op. cit., p. 76.

8/ Land Research Committee of the Arab Studies Society, "Israeli policies against agriculture during the five years of uprising", Jerusalem Post, December 1992, p. 24.

9/ Foundation for Middle East Peace, Report on Israeli Settlement in the Occupied Territories (Washington, D.C., November 1992), p. 1.

10/ Department of the Affairs of the Occupied Homeland, Israeli Designs on West Bank Water (in Arabic), Study No. 1 (Amman, Ibn Rushd Publishers and Distributors, 1987), pp. 16-31.

11/ Harmlani, Journal of Palestinian Affairs, 1989, pp. 60-68.

12/ A/AC.183(02)/W.21, p. 28.

13/ UNCTAD, "Assistance to the Palestinian people" (TD/B/39(1)/4).

14/ Letter dated 3 June 1992 from the Chargé d'affaires a.i. of the Permanent Mission of the Syrian Arab Republic to the United Nations addressed to the Secretary-General (A/47/255).